

1 EMILY JOHNSON HENN (SBN 269482)
2 COVINGTON & BURLING LLP
3 3000 El Camino Real
4 5 Palo Alto Square, 10th Floor
5 Palo Alto, CA 94306-2112
6 Telephone: + 1 (650) 632-4700
7 Facsimile: + 1 (650) 632-4800
8 Email: ehenn@cov.com

9 SIMON J. FRANKEL (SBN 171552)
10 PATRICK R. CAREY (SBN 308623)
11 COVINGTON & BURLING LLP
12 Salesforce Tower
13 415 Mission Street, Suite 5400
14 San Francisco, CA 94105-2533
15 Telephone: + 1 (415) 591-6000
16 Facsimile: + 1 (415) 591-6091
17 Email: sfrankel@cov.com
18 Email: pcarey@cov.com

19 *Attorneys for Defendant FullStory, Inc.*

20 **UNITED STATES DISTRICT COURT**
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

22 AUDRA GRAHAM and STACY MOISE,
23 individually and on behalf of all others similarly
24 situated,

25 Plaintiffs,

26 v.

27 NOOM, INC., and FULLSTORY, INC.,

28 Defendants.

Civil Case No.: 3:20-cv-06903-LB

**DECLARATION OF JENNA ZHANG IN
SUPPORT OF REPLY OF DEFENDANT
FULLSTORY, INC. IN SUPPORT OF
MOTION TO DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Hearing Date: April 8, 2021
Hearing Time: 9:30 a.m.
Honorable Laurel Beeler

1 I, Jenna Zhang, hereby declare as follows:

2 1. I am an associate at Covington & Burling LLP, counsel for Defendant FullStory,
3 Inc. in this action.

4 2. This declaration is based on my personal knowledge, and I am competent to
5 testify about the matters herein.

6 3. Plaintiffs' First Amended Complaint refers to and relies on the privacy policy in
7 effect at Noom.com when Plaintiffs Graham and Moise allegedly visited Noom.com in
8 November 2019 and June 2020. *See* First Amended Complaint, Dkt. No. 27, ¶¶ 2, 4, 48–56.

9 4. Attached hereto as Exhibit A is a true and correct copy of Noom's privacy policy
10 currently available on Noom.com with an effective date of December 17, 2018.

11
12 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
13 and correct to the best of my knowledge and belief.

14
15 Executed on March 19, 2021, in San Francisco, California.

16
17 

18 Jenna Zhang